

REMARKS/ARGUMENTS

Claims 1-36 are currently pending in the above-captioned application. The Examiner issued a restriction requirement in the Office Action dated March 3, 2008 in which the Examiner contends that this application contains claims directed to more than one species of the generic invention. Therefore, these species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Applicants respectfully traverse the Examiner's election under 37 CFR 1.143. However, in response to the Examiner's restriction requirement Applicants elect the imaging agent Compound 24A (see table of Figure 1). That corresponds to Formula V of the species, where:

w is 2;

Z is NR^1R^2 with $\text{R}^2 = \text{H}$ and $\text{R}^1 = \text{C}^{4-10}$ aryl & the aryl group is an hydroxyphenyl group;

X^4 is $-(\text{CH}_2)_m-$ with $m = 2$;

X^6 is 4-fluoro;

The imaging moiety is ^{123}I , which is a gamma-emitting radiohalogen as defined in (iii) of claim 5. The imaging moiety is attached at the Z position, specifically the aryl group of Z;

- Compound 24A is studied in several of the Examples, especially Examples 22, 23 & 25-27.

Applicants respectfully traverse the Examiner's election as set forth below:

- Applicants respectfully submit that it is a misinterpretation to assert that the technical feature linking the various independent claims is the MMPi of Formula (I). The linking technical feature is the imaging agent, and of course Claim 1 reads "An imaging agent...". That imaging agent comprises the MMPi of Formula (I) labelled with an imaging moiety. The imaging moiety is an essential feature of claim 1 and it is therefore invalid for the Examiner to artificially remove it. The imaging moiety is described in the specification at page 5 lines 22 to 29, and refers to *in vivo* medical imaging. The invention thus relates to *in vivo* medical imaging, not drugs for pharmaceutical use. The term "labelled with" is also defined in the specification, at page 5 lines 6-20. That definition makes clear that the imaging moiety is covalently attached. It is therefore incorrect for the Examiner to use the phrase "claimed matrix metalloproteinase inhibitors" since what is claimed is an imaging agents.
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- Applicants agree that the metalloproteinase inhibitors themselves are known - but it is quite normal for certain elements of a patent claim to be known. For instance, if the Examiner's reasoning was applied then any novel composition which comprised of at least one known component claimed would then lack unity. In such situations the composition may still fulfil unity, because it is the totality of the components which is key to the invention. It is the same here - the imaging agent has a combination of essential features (metalloproteinase inhibitor plus imaging moiety) which must be considered for unity purposes together, as a discrete entity.

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Applicants reserve the right to file a divisional application on the non-elected claims at a later time.

Applicants make the election with traverse.

Respectfully submitted,

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